

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL SUGGS,

Defendant.

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8:08CR169

ORDER

Defendant was previously granted a seven-day extension of time in which to file substantive pretrial motions. On June 3, defendant filed a "Motion to Suppress" [12] requesting

an order suppressing all evidence obtained during the arrest, subsequent search and interrogation of the Defendant in regard to the above-captioned action. In support of said Motion, the Defendant shows the Court that officers lacked probable cause to effectuate a valid arrest and search of Defendants person.

The case progression order [6] filed on May 5, 2008 specifically provided that "[i]f any pretrial motion is filed by either side, a copy thereof and the supporting brief required by the provisions of NECrimR 12.3(b)(1) shall be simultaneously filed." A supporting brief must concisely state the reasons for the motion, cite to the relevant legal authorities, and cite to the pertinent page of the record, affidavit, discovery material, or other evidence upon which the moving party relies. [NECrimR 12.3\(b\)\(1\)](#).

The defendant did not file any brief in support of the motion and has provided no legal authority or factual basis for filing this motion. Under NECrimR 12.3(b)(1), the court may treat a party's failure to file a brief as an abandonment of the motion. The court elects to do so in this instance.

IT IS ORDERED that defendant's "Motion to Suppress" [12] is deemed abandoned pursuant to NECrimR 12.3 and is hereby stricken from the record. The Clerk shall terminate the motion for statistical purposes.

DATED June 5, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge